

REMARKS:

REQUEST FOR 3-MONTH EXTENSION OF TIME

A request for a 3-month extension of time is filed herewith along with the appropriate fee.

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REQUEST FOR CONTINUED EXAMINATION

A Request for Continued Examination (RCE) under 37 CFR 1.114 is filed herewith along with the appropriate fee. The Applicants submit that this reply constitutes the required "submission."

CLAIM AMENDMENTS

- 10 To expedite prosecution, the Applicants have amended claim 1 to recite that the base is part of a starting material and that material is added to or removed from a front side of the starting material. Support for these features can be found in the specification in the section bridging page 10, line 29 to page 11, line 1, Fig. 4A, page 12, line 13 to page 13, line 10 and Figs. 4E-4F. As such, no new matter has been added with this amendment.
- 15 The Applicants reserve the right to pursue original claim 1 in a later filed continuation application.

CLAIM REJECTIONS 35 USC 102

- The Examiner has rejected claims 1, 2 and 4-7 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,770,465 to MacDonald et al. (hereinafter MacDonald). In
- 20 rejecting the claims, the Examiner argues that MacDonald discloses a method for forming a microstructure starting with a single crystal silicon substrate base (10) (col. 3, lines 52-53). A trench (14) is anisotropically etched in the substrate base (10) (Co. 3, lines 65-67). A first insulating oxide layer (16) is formed on the wafer (Col. 4, lines 8-10). A second layer (18) is used to cover the oxide layer (16) and fill the trench (14)(col. 4, lines 14-17).
- 25 The trench filling material may be a metal conducting layer (col. 2 lines 19-23). A portion of the base material adjacent to the trench (14) is removed by etching (col. 11, lines 35-37). Referring to Figure 11d, the trench (262) is further defined under a flap (276).

The Examiner has also rejected claims 1 and 5-7 as being anticipated by U.S. Patent 5,719,073 to Shaw et al. (hereinafter Shaw). In rejecting the claims, the Examiner argues that Shaw discloses a method for forming an isolated electrode starting with a single crystal silicon substrate base (10) (col. 8, lines 55-56). Trenches (22) are anisotropically etched in the substrate base (10) (col. 9, lines 55-56). An insulating oxide (28) is formed on the wafer (col. 10, lines 60-63). A conducting layer (44) is formed over the oxide layer covering both the sidewalls and the surface of the base (col. 12, lines 22-25). A portion of the base material adjacent to the trenches (22) is removed by etching (col. 11, lines 35-37).

In responding to Applicants previous arguments, the Examiner states that all of the process steps occur on the same side of the substrate in both the claims and in the prior art. To expedite prosecution, the Applicants have amended claim 1 to recite that the base is part of a starting material and that material is added to or removed from a front side of the starting material. Support for these features can be found in the specification in the section bridging page 10, line 29 to page 11, line 1, Fig. 4A, page 12, line 13 to page 13, line 10 and Figs. 4E-4F.

Neither MacDonald nor Shaw teaches or suggests processing both a backside and a front side as recited in claim 1. Instead both Shaw and MacDonald do all of their processing on the front or top of a wafer. As such, neither Macdonald nor Shaw nor any combination thereof teaches or suggests all the features of claim 1 as it presently stands in the application. Therefore, claim 1 defines an invention suitable for patent protection. Furthermore, claims 2, and 4-7 depend, either directly or indirectly, from claim 1 and recite additional features therefore. As such and for the same reasons set forth with respect to claim 1, the Applicants submit that these dependent claims define an invention suitable for patent protection.

CLAIM REJECTIONS – 35 USC 103.

Macdonald in view of Yao

The Examiner has rejected claim 3 under 35 USC 103(a) as being unpatentable over MacDonald in view of U.S. Patent 6,074,890 to Yao et al. (hereinafter Yao).

Shaw in view of Yao

The Examiner has also rejected claims **2, 3** under 35 USC 103(a) as being unpatentable over Shaw in view of Yao.

Shaw in view of Brosnihan

- 5 The Examiner has rejected claim **4** under 35 USC 103(a) as being unpatentable over Shaw as applied to claim **1** above in view of U.S. Patent 6,121,552 to Brosnihan et al. (hereinafter Brosnihan).

MacDonald in view of Bartha, Shaw in view of Bartha

- 10 The Examiner has rejected claims **8** and **9** under 35 USC 103(a) as being unpatentable over MacDonald or Shaw as applied to claims **1, 2** and **4-7** above in view of U.S. Patent 5,960,255 to Bartha et al. (hereinafter Bartha).

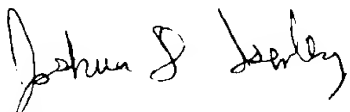
- The Applicants respectfully traverse all of the rejections on the grounds that none of the cited combinations teaches all of the features of any of the claims as amended. All of the rejections rely on combinations involving either Shaw or MacDonald as a primary
15 reference. As set forth above, the Applicants submit that neither Shaw nor MacDonald, either alone or in combination with any of the other references, teaches or suggests all the features of claim **1** as it presently stands in the application.

- Furthermore, claims **2**, and **4-7** depend, either directly or indirectly, from claim **1** and recite additional features therefore. As such and for the same reasons set forth with
20 respect to claim **1**, the Applicants submit that these dependent claims define an invention suitable for patent protection.

CONCLUSION

For the reasons set forth above, the Applicants submit that all pending claims allowable over the cited art and define an invention suitable for patent protection. The Applicants respectfully request entry of the amendment reconsideration of the application and that
5 the Examiner issue a Notice of Allowance in the next office action.

Respectfully submitted,



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